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Paper No. None
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OFFICE OF PETITIONS

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OFFICE OF PETITIONS

In re Application of :
Robert R. Gray :
Application No. 10/068,575 : **DECISION ON RENEWED PETITION**
Filed: February 6, 2002 : **UNDER 37 C.F.R. §1.181**
Title: TRASH RECEPTACLE WITH :
SUCTION MEANS FOR DRAWING A :
FLEXIBLE BAG LINER AGAINST ITS :
INTERIOR WALLS :

This is a decision on the renewed petition filed March 8, 2007, pursuant to 37 C.F.R. §1.181, requesting that the holding of abandonment in the above-identified application be withdrawn.

The above-identified application became abandoned for failure to submit the issue fee and drawings in a timely manner in reply to the Notice of Allowance and Issue Fee Due, mailed April 27, 2006, which set a shortened statutory period for reply of three months. No extensions of time are permitted for transmitting formal drawings or issue fees¹. Accordingly, the above-identified application became abandoned on July 28, 2006. A Notice of Abandonment was mailed on August 30, 2006.

The original petition was filed on October 8, 2006, and was dismissed via the mailing of a decision on January 8, 2007. The decision indicated that although Petitioner had met the requirements of Delgar v. Schuyler, it was noted that his address on the petition differed from the address of record. As

¹ See MPEP §710.02(e).

such, it appeared that the Office action was properly mailed by this Office to the correspondence address of record, and Petitioner did not receive the communication because he was no longer located at the correspondence address of record.

With this renewed petition, Petitioner has indicated that that he "utilizes both mailing addresses, still receives mail addressed to either suite number, and has the key to the mailbox for both mailing addresses²."

The concurrently submitted change of address has been entered and made of record.

This renewed petition is **GRANTED**. The holding of abandonment is **WITHDRAWN**.

The Technology Center will be notified of this decision. The Technology Center's support staff will re-mail the Notice of Allowance and Issue Fee Due, originally mailed on April 27, 2006, and will set a new period for response.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3225³. All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.



Paul Shanoski
Senior Attorney
Office of Petitions
United States Patent and Trademark Office

² Petition, page 2.

³ Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. §1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for Petitioner's further action(s).